

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

2013 DODGE RAM TRUCK, VIN
1C6RR7LT9DS533395,

Defendant.

Civil No. 8:17CV

435

COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881.

The Defendant *In Rem*

2. The Defendant is a 2013 Dodge Ram truck, VIN 1C6RR7LT9DS533395, seized from Chris Hicks on June 12, 2017. The Defendant property is presently in the custody of the U.S. Marshals Service in Omaha, Nebraska.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881.

4. This Court has *in rem* jurisdiction over the Defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for the Forfeiture

6. The Defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it is a conveyance used or intended to be used to transport or in any manner to facilitate the transportation, sale, receipt, possession or concealment of a controlled substance.

Facts

7. In April, 2017, Gerard Weinzirl owned a 2013 Dodge Ram pickup, VIN 1C6RR7LT9DS533395. He posted the vehicle for sale online on Craig's List in Kansas City. Eventually, an individual who only referred to himself as Chris contacted Weinzirl about the truck. Chris, evasive and never providing his last name, came to Weinzirl's residence in Kansas on May 1, 2017, with \$17,000.00, cash, in a pink purse. Chris purchased the truck with that \$17,000.00; in return, Weinzirl provided Chris a bill of sale for \$17,000.00. Chris emitted a strong smell of marijuana. Chris asked Weinzirl to send the title to Rita Hicks at her residence on Lark Street, Omaha, Nebraska. Rita Hicks-Scott is Chris Hick's mother; Scott is her married name. Rita Hicks-Scott was not present with Chris during the latter's purchase of the pickup from Weinzirl.

8. The Douglas County, Nebraska, Treasurer's Office issued a certificate of title for the pickup on May 22, 2017, in the name, Rita K. Scott, with a residence on Lark Street, Omaha, Nebraska. The Nebraska Department of Revenue Nebraska Sales/Use Tax and Tire Fee

Statement reflects Rita K. Scott, of Lark Street, Omaha, Nebraska, paid Gerard Weinzirl \$12,000.00 for the pickup.

9. On June 14, 2017, Rita Scott contacted Bureau of Alcohol, Tobacco, Firearms, and Explosives Special Agent Donnie Mann by telephone. Scott asked Mann about the location and the status of her pickup truck. Scott said she purchased the vehicle with money her husband, Alan Scott, and she jointly earned. She could not remember the city in which she purchased the vehicle. She said the purchase price was \$12,000.00. She said a friend of hers picked up the vehicle in Kansas and brought it to her in Nebraska. Scott said she withdrew the purchase money from her bank account.

10. On May 23, June 5, and June 12, 2017, Chris Hicks sold a pound of marijuana to an informant working at law enforcement's direction for \$3,000.00. On each occasion, Hicks arrived at the location of the sale by travelling in the Dodge Ram pickup with the marijuana in his possession. On each occasion, Hicks left the scene of the sale by driving away in the Dodge Ram pickup with the purchase price in his possession.

11. On June 12, 2017, Chris Hicks drove the Defendant pickup to a location where he agreed to purchase seven firearms from a law enforcement officer acting in an undercover capacity in exchange for approximately one pound of marijuana Hicks valued at \$2,700.00.

Claim for Relief

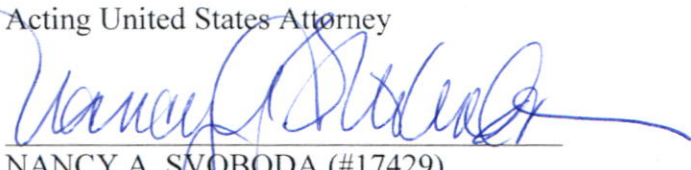
WHEREFORE, the Plaintiff, United States of America, prays the Defendant property be proceeded against for forfeiture in accordance with the laws, regulations and rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should

not be decreed; that the Defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulations; that the costs of this action be assessed against the Defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,
Plaintiff

ROBERT C. STUART
Acting United States Attorney

By:




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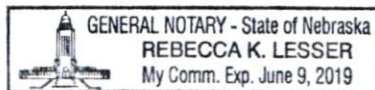
VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Pursuant to Rule C(2), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Assistant United States Attorney for the District of Nebraska, Nancy A. Svoboda, being first duly sworn, deposes and states the facts set forth herein are true and correct according to the best of her knowledge and belief.

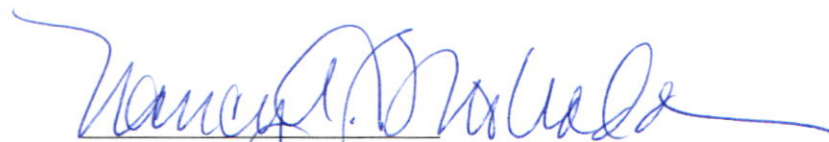

NANCY A. SVOBODA
Assistant U.S. Attorney

Subscribed and sworn to before me this 8th day of November, 2017.




Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and be calendared accordingly.


NANCY A. SVOBODA
Assistant U.S. Attorney